

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CLAUDIA MARTINEZ, an individual,

Plaintiff,

v.

INDYMAC MORTGAGE SERVICES, a  
division of ONEWEST BANK, FSB; FREDDIE  
MAC, and DOES 1-100, inclusive,

Defendants.

Case No.: 5:12-CV-00147-LHK

ORDER TO SHOW CAUSE WHY CASE  
SHOULD NOT BE DISMISSED FOR  
FAILURE TO PROSECUTE

Plaintiff Claudia Martinez filed a complaint against Indymac Mortgage Services and Freddie Mac (collectively “Defendants”) on June 1, 2011. *See* ECF No. 1. On January 20, 2011, Defendants filed a Motion to Dismiss the complaint or in the alternative a Motion for Summary Judgment pursuant to Federal Rules of Civil Procedure 12(b)(6) and 56. *See* ECF No. 5. Plaintiff declined to proceed before a magistrate judge on January 24, 2012, and the case was reassigned to the undersigned judge on January 26, 2012. ECF No. 10. On February 3, 2012, Defendants filed a new Motion to Dismiss the complaint or in the alternative a Motion for Summary Judgment. ECF No. 11. Pursuant to Civil Local Rule 7-3(a), Plaintiff’s opposition to the motion to dismiss was due on February 17, 2012. Plaintiff has not filed an opposition or statement of non-opposition to Defendants’ motion.

1 The hearing on Defendants' motion and the case management conference set for May 24,  
2 2012 are VACATED. The Court hereby ORDERS Plaintiff to show cause why this case should  
3 not be dismissed for failure to prosecute. This Order does not authorize Plaintiff to file an untimely  
4 opposition to Defendants' motion. Plaintiff has until **May 10, 2012** to file a response to this Order  
5 to Show Cause. A hearing on this Order to Show Cause is set for **Thursday, May 24, 2012 at**  
6 **1:30 P.M.** Plaintiff's failure to respond to this Order and to appear at the May 24, 2012 hearing  
7 will result in dismissal with prejudice for failure to prosecute.

8  
9 **IT IS SO ORDERED.**

10 Dated: April 27, 2012

11   
12 LUCY H. KOH  
13 United States District Judge  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28